

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6023 CIV HURLEY

R/S ASSOCIATES, a Florida
Limited Partnership and
DAN SHOOSTER

Plaintiff

vs.

ROBERT YARI and FORUM
ARLINGTON PROPERTIES, LTD. AND
ALLIANCE COMMERCIAL MANAGEMENT,

Defendants

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PLAINTIFFS' MOTION TO COMPEL
PRODUCTION OF DOCUMENTS

COME NOW the Plaintiffs, R/S Associates, a Florida limited partnership and Dan Shooster (hereinafter "Plaintiffs"), by and through their undersigned counsel, and for their Motion to Compel Production of Documents state as follows:

1. On or about July 28, 2000, Plaintiffs propounded their Second Request for Production to Defendants, Robert Yari and Forum Arlington Properties, Ltd., a copy of which is attached hereto as Exhibit "A".

2. The parties agreed that Defendants would produce the documents requested on an expedited basis, i.e., within two (2) weeks of service of Plaintiffs' Second Request for Production, and as of this date, no response whatsoever has been provided by Defendants.

WHEREFORE, Plaintiffs, R/S Associates, a Florida Limited Partnership and Dan Shooster, pray this Honorable Court grant their Motion to Compel Defendants to produce all documents in response to Plaintiffs' Second Request for Production and/or order such other or

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further relief as this Honorable Court deems just and proper.

I HEREBY CERTIFY a copy of the foregoing has been forwarded via first class mail to Elaine Johnson James, Esquire, Nason, Yeager, Gerson, White & Lioce, P.A., 1645 Palm Beach Lakes Boulevard, Suite 1200, West Palm Beach, Fl 33401 this 13 day of Sept., 2000.

FRIEDMAN, ROSENWASSER & GOLDBAUM, P.A.
Attorneys for Plaintiffs
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Boca Raton, Florida 33486
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PLAINTIFFS'

SECOND REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiffs request that the Defendants, Robert Yari and Forum Arlington Properties, Ltd. (hereinafter "Plaintiffs") make available for inspection or copying the documents described in this Request at a time and place to be arranged by counsel, but in no event later than thirty (30) days from the date of service of this Request or to mail copies of the requested items within thirty (30) days after receipt of this Request or within the time period ordered by this Court to the Offices of Friedman, Rosenwasser & Goldbaum, P.A. The Plaza #801, 5355 Town Center Road, Boca Raton, Florida 33486.

As used in the request:

(1) The term "document" is intended to be comprehensive and to include without limitation, all original writings of any nature whatsoever, copies and drafts which, by reason of notes, changes initials or identification marks not identical to the original and all non-identical copies thereof. In all cases where original and/or non-identical copies are not available, "document" also means identical copies of original documents and copies of non-identical copies.

The term "document" includes, but is not limited to, brochures, pamphlets, printed literature, correspondence, memoranda, contracts, leases, agreements, invoices, credit memoranda, credit files, records, data-sheets, blotters, purchase orders, sales orders, tabulations, reports, bills, of lading, evaluation, work papers, summaries, opinions, journals, diaries, books, statistical records, purchase reports, sales reports, financial reports, checks, notes, transcriptions, ledgers,

EXHIBIT 4

telegrams, teletypes, telex messages, recording of telephone calls and other communications (including but not limited to, notes, notations, memoranda and other writings of or relating to telephone conversations and conferences), minutes and notes of transcription of all meetings and other communications of any type, microfilms, tapes or other recordings, telephone or other logs and any other information which is stored or carried electronically, by means of computer equipment or otherwise, and which can be retrieved in printed or graphic form, maps & charts or photographs.

(2) Terms in the plural includes the singular and terms in singular include the plural.

(3) Terms referring to a gender includes all genders.

(4) The term "relating to" includes referring to, sharing, describing, concerning, analyzing, reflecting or constituting.

THE REQUESTS

1. Please produce all Profit and Loss Statements (monthly, quarterly, annually and of any other time period) and Financial Statements (monthly, quarterly, annually and of any other time period) indicating the profits, losses or financial position at all points and time from inception to the present for Arlington Properties, Ltd. and/ or the Arlington Festival Shopping Center.
2. Please produce all cancelled checks, monthly bank statements or any other bank statements of a monthly, quarterly or yearly nature (and of any other time period) indicating the income, expenses, profits, losses or financial position at all points and time from inception to the present for Arlington Properties, Ltd. and/ or the Arlington Festival Shopping Center.
3. Please produce a copy of any and all contracts whereby Robert Yari bought out the interest of any other partners in Arlington Properties, Ltd. or Arlington Festival Shopping Center at any point in time including, but not limited to, any purchase and sale agreements, any option agreements, any deeds, any closing statements or other closing documents.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a copy of the foregoing has been forwarded via facsimile and first class mail to Elaine Johnson James, Esquire, Nason,

Yeager, Gerson, White & Lioce, P.A., 1645 Palm Beach Lakes Boulevard,
Suite 1200, West Palm Beach, Florida 33401 this 28 day of July,
2000.

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By: Keith A. Goldbaum
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